REMARKS

Applicant has read and considered the Office Action dated March 9, 2006 and the references cited therein. Claims 1, 2, and 4-7 have now been amended. Claims 3 and 8-12 have been canceled without prejudice or disclaimer. Claims 1, 2, and 4-7 are currently pending.

In the Action, claims 1-2 and 4-11 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Office Action specifically indicated that there is not sufficient description of how patterns are formed or images obtained by taking "the means of the pressures", or "during walking", "sitting, grabbing," or what the "special method" is that generates the two-pressure distribution patters shown in Figs. 1 and 2. Moreover, the Action indicated that it was not clear how "different high pressures are represented by area elements that are shaded in different ways or colors" or how "a movement sequence is abolished." Finally, the Action indicated that the specification does not describe how the pressures are "represented" by colors and shades. Applicant asserts that the language that was indicated as being unclear and not complying with the written description requirement has been amended or deleted. Applicant asserts that claims 1, 2 and 4-7 are fully supported by the specification and that the application is enabling to one of ordinary skill in the art. Moreover, Applicant asserts that the enablement rejection under 35 U.S.C. § 112 has been overcome and should be withdrawn.

Claims 1-2 and 4-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Action indicated that "personal item configured to be worn", "different high pressures are represented", and that a "movement sequence ... is abolished" are indefinite. Moreover, the Action stated that the language regarding obtaining a pattern from a person and the recitation of an identification device and an image were also unclear. In addition, the Action indicated that "a contact" and "movement sequence is established and abolished" are unclear, and that the term "high" in claims 1 and 2 is relative and renders the claim indefinite. The Action further states that in claim 9, the pattern obtained "is of" a sitting surface is not clear. Claim 9 has been canceled. In addition, the objected-to language has been canceled, and language that is believed to be clear and definite is used in the pending claims. Applicant asserts that the

indefiniteness rejections have been overcome. Applicant requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-2 and 4-11 were rejected under 35 U.S.C. § 102(b) as being anticipated as described at www.novel.de. The Action indicates that the website teaches a system or apparatus calculating two- and three-dimensional pressure distribution taken in static and dynamic locomotion. The Action states that the personal item is "configured to be worn on a person's body" is to intended use without patentable weight. Applicant asserts that the claim recites a device worn on a person's body. Such a device requires a particular structure and design criteria. Claim 1 recites a device and patentable features rather than intended use and has patentable weight. Applicant asserts that the claims provide for a device that is neither shown nor suggested by the www.novel.de website. Moreover, claim 1 recites a pressure distribution pattern obtained under a foot during walking on the substantially solid object or when a person sits down on the substantially solid object or when the substantially solid object is grasped. Applicant asserts that the prior art does not teach or suggest systems that allow for an item worn by a person to be utilized with such an identification in such a manner. Applicant asserts that the claims patentably distinguish over the www.novel.de reference.

In addition, claims 1-2 and 4-11 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Floyd in view of Brown et al. Claims 4-5 and 9 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Floyd, Brown, and Kuboki et al. Finally, claims 1-2 and 4-11 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Floyd and Yfantis. Floyd only teaches a system wherein fingerprints are placed on a label. Applicant asserts that a label is not an item worn by a person. Moreover, the pressures are different for shaped fingerprints as compared to the dynamic sampling of the present invention. In addition, claim 1 has been amended and recites that the pressure distribution pattern is obtained under a foot during walking to identify a shoe or a portion of a shoe worn by the person, or configured to identify pants worn by a person, or to identify a glove worn by a person. The present invention recites particular devices that are neither shown nor suggested by Floyd and that receive and identify patterns in a very different manner. Applicant asserts that a completely different technology is utilized for a label showing fingerprints than is utilized for the wearable device of the present invention. Applicant further asserts that the

secondary references recited namely Brown, Kuboki et al and Yfantis; fail to remedy the shortcomings of the Floyd reference. Applicant asserts that the present invention provides structural differences over the prior art or combination thereof. Even if combined, the cited prior art does not achieve the present invention. Moreover, this combination provides advantages that are not possible with the prior art or any combination thereof. Applicant requests that the rejections under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a) be withdrawn.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at 612.336.4728.

Respectfully submitted,

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